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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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| UNITED STATES OF AMERICA,<br>Plaintiff,<br>v.<br>Ulises Argenis GUZMAN-Martinez,<br>Defendant. | Magistrate Case No.: '07 MJ 8903<br>COMPLAINT FOR VIOLATION OF<br>21 U.S.C. § 952 and 960<br>Importation of a Controlled Substance<br>(Felony) |

The undersigned complainant being duly sworn states:

That on or about November 3, 2007, within the Southern District of California, defendant Ulises Argenis GUZMAN-Martinez, did knowingly and intentionally import approximately 43.32 kilograms (95.30 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Arthur A. Caloca, Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF NOVEMBER, 2007.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Ulises Argenis GUZMAN-Martinez

## STATEMENT OF FACTS

This complaint is based on the reports, documents, notes furnished to, and interview conducted by U. S. Immigration and Customs Enforcement Special Agent Arthur Caloca.

On November 3, 2007, at approximately 1415 hours, Ulises Argenis GUZMAN-Martinez entered into the United States at the Calexico, California, West Port of Entry, from the Republic of Mexico. GUZMAN was the driver and sole occupant of a 1990 Mercury Grand Marquis sedan.

At primary inspection, GUZMAN gave a negative oral Customs declaration. GUZMAN told Customs and Border Protection Officer (CBPO) Garcia that the vehicle belonged to his step-father and that he was en route to a shopping mall. CBPO Garcia noticed that GUZMAN appeared nervous as he would not make eye contact with the officer and the officer noticed GUZMAN's hand shake as he handed the officer his border crossing card. GUZMAN and the vehicle were then escorted to the secondary inspection area.

At secondary inspection, GUZMAN again gave CBPO Estrada a negative customs declaration and claimed that he was traveling to the Wal-Mart discount store in Calexico, CA. Canine Enforcement Officer (CEO) Gonzalez stated his Narcotic Detection Dog alerted to the roof area of the vehicle. A search of the vehicle revealed twenty-four (24) packages contained in a compartment located in the roof area of the vehicle.

CBPO Estrada probed one of the packages. The packages contained a green leafy substance, which field tested positive for marijuana. A total of twenty-four (24) packages were recovered with a combined net weight of approximately 43.32 kilograms (95.30 pounds).

GUZMAN was arrested for importation of marijuana into the United States. GUZMAN was advised of his rights per Miranda. GUZMAN stated that he understood his rights. GUZMAN agreed to answer questions without the presence of an attorney. GUZMAN stated that he was aware the vehicle contained marijuana and that he was to be paid $1,000.00 for smuggling the marijuana into the United States.